

**Before the
Federal Communications Commission
Washington, D. C. 20554**

In the Matter of

Implementation of the Local Competition)	
Provisions of the Telecommunications)	CC Docket No. 96-98
Act of 1996)	

**SUPPLEMENT TO PUBLIC SERVICE COMMISSION OF KENTUCKY'S
PETITION FOR ADDITIONAL DELEGATED AUTHORITY TO IMPLEMENT
NUMBER CONSERVATION MEASURES**

The Public Service Commission of the Commonwealth of Kentucky ("KPSC") hereby supplements its Petition for additional delegated numbering authority.¹ In that filing, the KPSC sought authority to implement number conservation measures pending the outcome² of the Federal Communications Commission's ("FCC") proposed rulemaking concerning number conservation.³ On March 31, 2000, the FCC issued its initial Numbering Conservation Order ("FCC Numbering Order").⁴ The KPSC believes that the FCC has begun a thoughtful and considered process that will result in prolonging the lives of existing NPAs. Therefore, the KPSC modifies its Petition to the extent that we do not seek interim numbering authority at this time. We instead request that the FCC include the Louisville MSA (502 NPA) in its initial round of thousands-block national number pooling.

¹ *Public Service Commission of Kentucky's Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, Filed January 25, 2000.

² *Ibid.*, at 7.

³ *In the Matter of Numbering Resource Optimization*, Notice of Proposed Rulemaking, CC Docket No. 99-200, FCC 99-122 (June 2, 1999).

⁴ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, rel. March 31, 2000.

BACKGROUND

In its original Petition, the KPSC requested additional authority pertaining to number conservation measures. Specifically, the KPSC requested the authority to: (1) Enforce number assignment standards, including the reclamation of NXX codes, and thousand-number blocks within those codes; (2) Implement mandatory thousand-number block assignments within Local Number Portability (“LNP”) capable areas; (3) Require sequential number assignments by carriers; (4) Require the submission by carriers of number utilization and forecast information; (5) Audit carrier’s use of numbering resources; and (6) Accomplish other tasks necessary to perform the functions enumerated above.

The KPSC intended to use this additional authority to prolong the lives of the 270, 502, 606, and 859 area codes, and thus delay the necessity to provide additional area code relief within the Commonwealth of Kentucky.

DISCUSSION

With the release of the FCC Numbering Order, the KPSC believes that the majority of its concerns have been or are being addressed. The FCC Numbering Order addresses specific concerns as follows:

1. Enforce number assignment standards: The FCC has established a mandatory utilization data-reporting requirement, as well as numbering resource reclamation requirements to ensure the return of unused numbers to the NANP inventory.
2. Establish minimum fill rates for growth codes: The FCC did not require utilization thresholds for carriers participating in thousands-block pooling, since requests for additional blocks must be justified. However, minimum fill rates will be established for carriers holding entire NXXs.

3. Require sequential number assignment: The FCC established rules requiring sequential number assignment by carriers, while allowing limited flexibility to meet specific requirements.
4. Require submission of number utilization and forecast data: The FCC has established a specific reporting system using standardized criteria.
5. Audit carrier number usage: The FCC has established a framework pursuant to which audits can be conducted, using standardized definitions and data reporting requirements.

The KPSC applauds the FCC's efforts to establish a framework to slow the rate of number exhaust and thereby prolong the life of the North American Numbering Plan. We also believe that the FCC has acted appropriately in delegating certain authority that will allow the States to be more fully involved in the number conservation process. The KPSC intends to fully participate in this process to the extent of the authority delegated to the States by the FCC Numbering Order.

The remaining issue of concern to the KPSC is the timing of the national rollout of thousands-block pooling as directed in the FCC Numbering Order. The FCC has determined that the national rollout will begin nine months after a Pooling Administrator has been selected.⁵ The FCC has further set criteria for selection of MSA's to be included in the national rollout.⁶ NPA's that meet those criteria are: (1) NPAs that were initially pooled or scheduled to be pooled pursuant to delegations of pooling authority to state commissions; (2) Jeopardy NPAs in the largest 100 MSAs which have a life of one year or more; and, (3) New NPAs.

⁵ *Ibid.*, at para. 161

⁶ *Ibid.*

The Louisville MSA does not currently meet the required criteria, and does not meet the prescribed criteria for a delegation of pooling authority to the KPSC.⁷ Those criteria are: (1) The NPA in question must be in jeopardy; (2) The NPA in question has a remaining life span of at least one year; and, (3) The majority of wireline carriers in the NPA are LNP-capable.

However, the FCC has determined that States should be permitted to request that an MSA be included into the national pooling rollout schedule where the State can demonstrate “special circumstances” which would warrant inclusion of the subject MSA⁸. The KPSC believes that the Louisville MSA (502 NPA) warrants such consideration. Specifically, we are concerned that the Louisville MSA (502 NPA), may experience number exhaust and require NPA relief before it can be included in the national rollout. Therefore, we request that the Louisville MSA (502 NPA) be scheduled into the initial round or rounds of the national pooling rollout.

We believe that the Louisville MSA (502 NPA) qualifies as a “special exception” for the following reasons:

1. The FCC has scheduled the initial rollout nine months after a national pooling administrator is selected. The KPSC believes that it is therefore unlikely that such pooling will begin prior to the third quarter of 2001.
2. The Louisville MSA (502 NPA) is a top 100 MSA and is predominately served by one carrier, BellSouth. All of BellSouth’s service area within Kentucky is or will be LNP-capable by year end 2000.
3. According to the *1999 COCUS and NPA Exhaust Analysis*, released on January 18, 2000, the 502 NPA is scheduled to exhaust in the first quarter of 2004 based upon the December 1999 estimate. This

⁷ *Ibid.*, at para 164

⁸ *Ibid.*, at para. 164

compares to an estimated exhaust of the first quarter of 2007 based upon the April 1999 estimate and listed in the same analysis. This represents a reduction in estimated life span of three years within an eight-month period.

4. The KPSC realizes that these projections are estimates, and we further expect that with the new reporting and utilization requirements, it is likely that projection of life spans should become more accurate. However, in recent years actual realized NPA lives throughout the United States have generally been shorter than those projected by the COCUS Analysis. We have genuine concern that by the time the actual life span of the 502 NPA is known, we will be forced to implement NPA relief before the Louisville MSA can be scheduled into the National pooling schedule.
5. The KPSC believes that the Louisville MSA (502 NPA) should be scheduled into the initial round or rounds of the national pooling rollout to avoid the problem which we describe herein. When combined with the implementation of the additional number conservation measures specified in the FCC Numbering Order, we believe that 502 NPA relief can be delayed for a significant number of years, thereby avoiding the expense and problems associated with NPA relief.

CONCLUSION

The KPSC believes that the FCC has established a thoughtful and enlightened framework to begin to slow the rate of number exhaust and thereby extend the life of the North American Numbering Plan. We make the request stated herein not because of any flaw in the FCC Numbering Order, but because of a timing issue between the likely exhaust of the Louisville MSA (502 NPA) as compared with the most likely timeframe for the national thousands-block pooling rollout. The KPSC believes that the citizens of the Commonwealth of Kentucky should not be forced to suffer the expense and inconvenience of NPA relief because of a timing issue, when such problem can be postponed for several years by action on the part of the FCC and this Commission.

For the reasons specified in this petition, the KPSC urges the FCC to grant our request that The Louisville MSA (502 NPA) be scheduled into the initial round or rounds of the national thousands-block pooling rollout.

Respectfully submitted,

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